

**ASSEMBLY BILL**

**No. 823**

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**Introduced by Assembly Member Bigelow**

February 26, 2015

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An act to amend Section 25124 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 823, as introduced, Bigelow. Counties: ordinances.

Existing law requires the county board of supervisors, within 15 days after the passage of an ordinance by the board, to publish the ordinance with the names of those members voting for and against the ordinance, in a newspaper published in the county, except as specified. Existing law requires that an ordinance not published, as specified, within this 15-day period is to not take effect until 30 days after the date of its publication. Existing law authorizes a county board of supervisors to meet this publication requirement by publishing a summary of a proposed ordinance or proposed amendment to an existing ordinance, under specified conditions that include, among other requirements, publishing the summary and posting a certified copy of the full text of the proposed ordinance or proposed amendment in the office of the clerk of the board of supervisors at least 5 days prior to the board of supervisors meeting at which the proposed ordinance or amendment is to be adopted.

This bill would modify the requirements for a county board of supervisors to publish a summary of a proposed ordinance or proposed amendment to an existing ordinance to meet the publication requirement for an ordinance to take effect, including, among other new requirements, allowing posting on the county's Internet Web site.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 25124 of the Government Code is  
2 amended to read:

3 25124. (a) Except as provided in subdivision (c), ~~before the~~  
4 ~~expiration of~~ *within* 15 days after the passage of an ordinance it  
5 shall be published once, with the names of the members voting  
6 for and against the ordinance, in a newspaper published in the  
7 county if there is one, and if there is no newspaper published in  
8 the county, the ordinance shall be posted in a prominent location  
9 at the board of supervisors' chambers within the 15-day period  
10 and remain posted thereafter for at least one week. The local  
11 agency, at its option, may include in an ordinance reclassifying  
12 land either a brief description accompanied by a map of the  
13 boundaries of the property, as recited in the notice of hearing, or  
14 a complete metes and bounds description accompanied by a map  
15 depicting the reclassified property and adjacent properties. Except  
16 for maps, any exhibit attached to and incorporated by reference in  
17 an ordinance need not be published in its entirety if the publication  
18 lists all those exhibits by title or description and includes a notation  
19 that a complete copy of each exhibit is on file with the clerk of the  
20 board of supervisors and is available for public inspection and  
21 copying in that office in accordance with the California Public  
22 Records Act, Chapter 3.5 (commencing with Section 6250) of  
23 Division 7 of Title 1. A certificate of the clerk of the board of  
24 supervisors or order entered in the minutes of the board that the  
25 ordinance has been duly published or posted is prima facie proof  
26 of the publication or posting.

27 (b) The publication or posting of ordinances, as required by  
28 subdivision (a), may be satisfied by either of the following actions:

29 (1) The county board of supervisors may publish a summary of  
30 a proposed ordinance or proposed amendment to an existing  
31 ordinance. The summary shall be prepared by an official designated  
32 by the board of supervisors. ~~A summary shall be published and a~~  
33 ~~certified copy of the full text of the proposed ordinance or proposed~~  
34 ~~amendment shall be posted in the office of the clerk of the board~~  
35 ~~of supervisors at least five days prior to the board of supervisors~~

meeting at which the proposed ordinance or amendment or alteration thereto is to be adopted. Within 15 days after adoption of the ordinance or amendment, the board of supervisors shall publish a summary of the ordinance or amendment with the names of those supervisors voting for and against the ordinance or amendment and the clerk shall post in the office of the clerk of the board of supervisors a certified copy of the full text of the adopted ordinance or amendment along with the names of those supervisors voting for and against the ordinance or amendment. A summary shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be made available to the public upon request by the clerk of the legislative body at least five days prior to the board of supervisors meeting at which the proposed ordinance or amendment or alteration thereto is to be adopted. The clerk also shall either post a copy of the full text of the ordinance or amendment on the county's Internet Web site or post a certified copy of the full text in the office of the clerk five days prior to the board of supervisors meeting at which the proposed ordinance or amendment or alteration is to be adopted. Within 15 days after adoption of the ordinance or amendment, the board of supervisors shall publish a summary of the ordinance or amendment with the names of those supervisors voting for and against the matter and the clerk shall make available to the public, upon request, a certified copy of the full text of the adopted ordinance or amendment along with the names of those supervisors voting for and against the ordinance or amendment. The clerk of the board of supervisors shall also either post a copy of the full text of the ordinance or amendment and the names of those supervisors voting for and against the ordinance or amendment on the county's Internet Web site or shall post in the office of the clerk of the board of supervisors a certified copy of the full text of the ordinance or amendment along with the vote information specified in this paragraph.

(2) If the county official designated by the board of supervisors determines that it is not feasible to prepare a fair and adequate summary of the proposed or adopted ordinance or amendment, and if the board of supervisors so orders, a display advertisement of at least one-quarter of a page in a newspaper of general circulation in the county shall be published at least five days prior to the board of supervisors meeting at which the proposed

- 1 ordinance or amendment or alteration thereto is to be adopted.  
2 Within 15 days after adoption of the ordinance or amendment, a  
3 display advertisement of at least one-quarter of a page shall be  
4 published. The advertisement shall indicate the general nature of,  
5 and provide information about, the proposed or adopted ordinance  
6 or amendment, including information sufficient to enable the public  
7 to obtain copies of the complete text of such ordinance or  
8 amendment, and the names of those supervisors voting for and  
9 against the ordinance or amendment.
- 10 (c) If the clerk of the board of supervisors fails to publish an  
11 ordinance within 15 days after the date of adoption, the ordinance  
12 shall not take effect until 30 days after the date of publication.